

EIGHTH JUDICIAL DISTRICT COURT
TAOS COUNTY NM
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STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT

NO. D-820-CV-2016- _____

D-820-CV-2016-00242

JOANNA MARTINEZ,

Plaintiff,

vs.

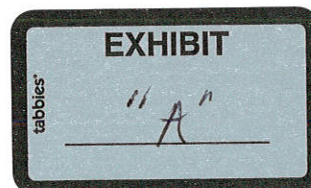
PROGRESSIVE DIRECT INSURANCE COMPANY,

Defendant.

COMPLAINT FOR UNDERINSURED MOTORIST BENEFITS

COMES NOW the Plaintiff, Joanna Martinez, by and through her attorney of record, Kevin A. Zangara, P.A., and for her cause of action against the Defendant, Progressive Direct Insurance Company, states as follows:

1. The Plaintiff, Joanna Martinez, is a resident of Taos County, New Mexico.
2. The Defendant, Progressive Direct Insurance Company, is a foreign insurance company authorized to do business in the State of New Mexico and Progressive Direct Insurance Company issued a policy of insurance to Joanna Martinez which provided for coverage and payment of damages suffered by Joanna Martinez on account of the negligence of an underinsured motorist.
3. On October 24, 2012, Joanna Martinez was traveling east on Camino de la Merced in Taos, New Mexico. Camino de la Merced is a controlled intersection with stop signs for travel in all directions. Joanna Martinez came to a complete stop at the stop sign at Camino de la Merced. She observed vehicles cross the intersection from the left and from the right while Joanna Martinez remained at the stop sign. After both



vehicles had cleared the intersection, Joanna Martinez entered the intersection as it was her turn to travel through the intersection.

4. Before entering the intersection, Joanna Martinez observed the vehicle operated by Elizabeth Martinez approaching from the north and traveling in a southern direction and she assumed that Elizabeth Martinez would stop her motor vehicle at the stop sign as law requires. However, after Joanna Martinez had entered the intersection and as she traveled through the intersection, she saw Elizabeth Martinez travel through the intersection at a high speed without stopping at the stop sign and Joanna Martinez' vehicle struck the vehicle operated by Elizabeth Martinez on the passenger side. Due to the high speed of Elizabeth Martinez, great energy was created in the collision and both vehicles suffered heavy damage.
5. The actions of Elizabeth Martinez in attempting to illegally pass through the intersection without stopping at a stop sign were negligent acts and were also intentional acts which were deliberate and in reckless disregard for the rights of persons such as Joanna Martinez.
6. The direct and proximate cause of the collision was the deliberate and reckless conduct of Elizabeth Martinez.
7. As a direct and proximate result of the motor vehicle collision, Joanna Martinez suffered grievous physical injury including a concussion and back and neck injuries. The concussion has resulted in a diagnosis of closed head injury and Joanna Martinez is receiving treatment from a neurologist for the serious symptoms of closed head injury.

8. Due to her injuries, Joanna Martinez has incurred medical expenses and will incur expenses in the future. She has also suffered lost earning capacity and has suffered great pain and suffering and loss of enjoyment of life.
9. Joanna Martinez was also required, due to her injuries, to withdraw from a nursing program at UNM-Taos. Joanna Martinez had worked for over one year to complete necessary courses to gain admission to the program and because of her withdrawal, she is not now eligible for re-entry into the two year program.
10. An award of compensatory damages is necessary to compensate Joanna Martinez for the damages suffered and for the injuries which she has suffered in the motor vehicle collision caused by the deliberate conduct of Elizabeth Martinez.
11. Progressive Direct Insurance Company is a proper party to this action as the person who caused the motor vehicle accident, Elizabeth Martinez, did not have sufficient insurance to pay for the damages suffered by Joanna Martinez and Progressive Direct Insurance Company is liable to Joanna Martinez under the policy of underinsured motorist coverage issued to Joanna Martinez by Progressive Direct Insurance Company for the damages caused by Elizabeth Martinez.

WHEREFORE, FOR ALL THE FOREGOING REASONS, the Plaintiff, Joanna Martinez, demands judgment from the Defendant, Progressive Direct Insurance Company, for compensatory damages in accordance with the evidence to be introduced at trial of this action and for costs, attorney fees and such other and further relief as the court may deem just.

Respectfully submitted,

/s/ Kevin Zangara, Attorney at Law
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